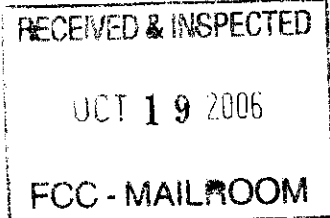




DOCKET FILE COPY ORIGINAL

Our Lady Queen of Martyrs School

71 Arden Street
New York, New York 10040
(212) 567-3190 • Fax (212) 304-8587
Web Page www.olqmny.org



Mr. Andrew G. Woods
M.S. Ed., M.S. Admin
Principal

October 16, 2006

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Room TW-A325
Washington, DC 20554

CC: 02-6

Dear Sir or Madam,

Under the heading of **ministerial clerical error**, that I feel is in line with the Perry decision:

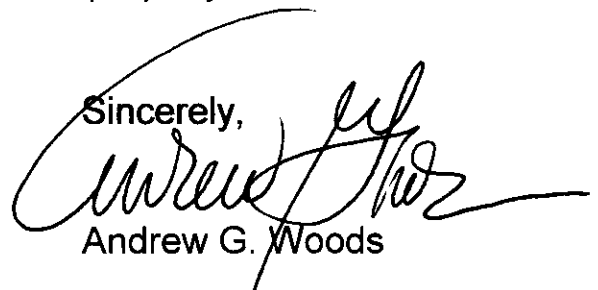
I am appealing the following decision.

Billed Entity # 10242
FRN # 1407467
471 # 511519

I filed my 471 within the funding window, and after my 28 day period I received a signed contract from my service provider and after the 28 day period I decided to accept this contract. I dated the contract when I signed it, by mistake, after the day I filed my 471, but within the window. On my 471, I listed the contract in question and filed that correctly. So, my error was that I dated the contract incorrectly when I signed it, and I was denied funding since the contract date was after the date I filed the 471 even though I followed all procedures and deadlines correctly.

Clearly, I followed the criteria and "spirit" of all E-Rate regulations. All bidding and awards were done properly.

Sincerely,



Andrew G. Woods



10/16/06 04/...



KNIGHT NETS INC.

1 Beach 193rd Street
Breezy Point, NY 11697
917-299-5795
718-318-1509
718-318-1988 Fax
www.knightnets.com

CONTRACT

Date	Contract #
02/03/06	KNTQ1535

Sold To: OUR LADY QUEEN OF MARTYRS
ANDREW WOODS
71 ARDEN STREET
NEW YORK, NY 10040

Ship To:

**ALL EQUIPMENT AND SERVICES
DELIVERED TO SCHOOL
LOCATION**

Phone:
Fax:

SPIN NUMBER 143007392

Terms	Rep	P.O. Number	Ship Via
	RO		

Qty	Description	Unit Price	Ext. Price
1 YEAR CONTRACT FROM JULY 1, 2006 TO JUNE 30, 2007			
12	DEDICATED BROADBAND INTERNET ACCESS VIA T1 CIRCUIT WITH SPEED OF 1.54 mps. LOCAL LOOP CHARGES ARE INCLUDED.	\$995.00	\$11,940.00
SCHOOLS YEARLY TOTAL BASED UPON ERATE PERCENTAGE OF 90%		SubTotal	\$11,940.00
		Sales Tax	\$0.00
		Shipping	\$0.00
\$1,194.00		Total	\$11,940.00

PRICES BASED UPON TOTAL PURCHASE - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY. - WE SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT.

THE SCHOOL IS RESPONSIBLE FOR MEETING ALL ERATE DEADLINES FOR FORM SUBMISSIONS AND DOCUMENTATION REQUESTS. IF FUNDING IS DENIED DUE TO THE SCHOOL NOT MEETING ERATE DEADLINES FOR FORM SUBMISSIONS OR DOCUMENTATION REQUESTS, THE SCHOOL WILL BE RESPONSIBLE FOR THE TOTAL UNDISCOUNTED AMOUNT IF SERVICES OR EQUIPMENT HAVE ALREADY BEEN PROVIDED.

BY SIGNING BELOW, THIS WILL CONSTITUTE ACCEPTANCE OF THIS AGREEMENT AND WILL THEN BE IN EFFECT AS A CONTRACT FOR THE SERVICES AND EQUIPMENT DESCRIBED. IN THE EVENT ERATE FUNDING IS DENIED, THE SCHOOL WILL NOT BE LIABLE FOR ANY CHARGES UNLESS SERVICES, AT THE SCHOOLS REQUEST, HAVE ALREADY BEEN PROVIDED.

School Rep _____

DATE

02/15/2006

Knight Nets Rep _____

DATE

2/4/06



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2006: 07/01/2006 - 06/30/2007)

September 19, 2006

Andrew G. Woods
OUR LADY QUEEN OF MARTYRS SCH
71 ARDEN ST
NEW YORK, NY 10040-1101

Re: Form 471 Application Number: 511519
Billed Entity Number (BEN): 10242
Billed Entity FCC RN: 0011891785
Applicant's Form Identifier: 0647110242a

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$5,041.76 is "Approved."
- The amount, \$10,746.00 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 511519 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2006," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by USAC.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

FUNDING STATUS: Each FRN will have one of the following statuses:

1. "Funded" - the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
2. "Not Funded" - the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
3. "As Yet Unfunded" - a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved for the funding year, for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY USAC: The discount rate that USAC approved for this service.

FUNDING COMMITMENT DECISION: The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES: The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

FUNDING COMMITMENT REPORT
Billed Entity Name: OUR LADY QUEEN OF MARTYRS SCH
BEN: 10242
Funding Year: 2006

Form 471 Application Number: 511519
Funding Request Number: 1407224
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 689000000571330
SPIN: 143001359
Service Provider Name: Verizon New York Inc.
Contract Number: T
Billing Account Number: 212-567-3190
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 10242
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,445.64
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$4,445.64
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$4,001.08 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The FRN was increased from \$330.00 to \$370.47 at the request of the applicant.

FCDL Date: 09/19/2006
Wave Number: 022
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1407313
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 689000000571330
SPIN: 143001192
Service Provider Name: AT&T Corporation
Contract Number: T
Billing Account Number: 212-567-3190
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 10242
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$648.36
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$648.36
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$583.52 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The applicant requested the FRN to be modified from 112.82 to \$54.03 to agree with the applicants documentation.

FCDL Date: 09/19/2006
Wave Number: 022
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: OUR LADY QUEEN OF MARTYRS SCH
BEN: 10242
Funding Year: 2006

Form 471 Application Number: 511519
Funding Request Number: 1407467
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 689000000571330
SPIN: 143007392
Service Provider Name: knight Nets, Inc.
Contract Number: KNTQ1535
Billing Account Number: KNTQ1535
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 10242
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,940.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$11,940.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Contract Violation
Funding Commitment Decision Explanation: FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met.

FCDL Date: 09/19/2006
Wave Number: 022
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1412206
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 689000000571330
SPIN: 143001359
Service Provider Name: Verizon New York Inc.
Contract Number: T
Billing Account Number: 212-942-8604
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 10242
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$507.96
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$507.96
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$457.16 - FRN approved as submitted

FCDL Date: 09/19/2006
Wave Number: 022
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

IMPORTANT REMINDERS & DEADLINES

Form 471 Application Number: 511519

Billed Entity Number: 10242

Name of Billed Entity: OUR LADY QUEEN OF MARTYRS SCH

YOUR NEXT STEPS IN THE APPLICATION PROCESS: Following are steps to assist you through the application process. Web page URLs are included to facilitate access to additional information on USAC's website.

REVIEW TECHNOLOGY PLANNING REQUIREMENTS - Program rules require a technology plan based on an assessment of needs and that those plans be approved before the start of services. See "Develop a Technology Plan" at <http://www.usac.org/sl/applicants/step02/> for information about technology plan requirements and approvals.

REVIEW CHILDREN'S INTERNET PROTECTION ACT (CIPA) REQUIREMENTS - CIPA compliance is required for requests for Internet Access, Internal Connections and Basic Maintenance discounts. For information about CIPA requirements and certifications, see "Children's Internet Protection Act (CIPA)" at <http://www.usac.org/sl/applicants/step10/cipa.aspx> for information about CIPA and its requirements.

FILE FORM 486 - You must notify USAC of the start of service, the name of your USAC-certified technology plan approver and your compliance with CIPA on Form 486. See "Begin Receipt of Services" on our website at <http://www.usac.org/sl/applicants/step10/>.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date featured in the Form 486 Notification Letter or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. Use the "Deadlines" calculator on our website at <http://www.usac.org/sl/tools/deadlines> to calculate your Form 486 deadline.

INVOICE USAC - After eligible services have been delivered, invoice USAC to request reimbursement of approved discounts. For information about requesting reimbursement from USAC, see "Invoice USAC" on our website at <http://www.usac.org/sl/applicants/step11/>.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Use the "Deadlines" calculator on our website at <http://www.usac.org/sl/tools/deadlines> to calculate your invoice deadline.

DOCUMENT RETENTION - Documents related to the receipt of discounts must be retained for at least five years after the last day of service delivered. For more information, see "Document Retention Requirements" on our website at <http://www.usac.org/sl/about/document-retention-requirements/default.aspx>.

OBLIGATION TO PAY NON-DISCOUNT PORTION/FREE SERVICES ADVISORY - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. For further information, see "Obligation to Pay Non-Discount Portion" on our website at <http://www.usac.org/sl/applicants/step11/obligation-to-pay.aspx> and "Free Services Advisory" at <http://www.usac.org/sl/applicants/step06/free-services-advisory.aspx>.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Program are subject to suspension and debarment from the program. More information and a current list of persons who have been suspended or debarred is posted in "Suspensions and Debarments" on our website at <http://www.usac.org/sl/about/suspensions-debarments.aspx>.

COMPLETE PROGRAM INFORMATION - including more information on these reminders - is posted to the Schools and Libraries area of USAC's website at www.usac.org/sl. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.